

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BLUEAIR, INC.,	)	
A Delaware Corporation,	)	
	)	Case No. 08 C 427
Plaintiff,	)	
	)	Hon. Milton I. Shadur
v.	)	Presiding Judge
	)	
APPLE, INC.	)	
A California Corporation,	)	
	)	
Defendant.	)	

**MOTION OF BLUEAIR INC. TO EXTEND TIME FOR DEFENDANT TO ANSWER  
OR OTHERWISE PLEAD AND TO CONTINUE STATUS HEARING**

Plaintiff, BlueAir, Inc. ("*BlueAir*"), by and through its attorneys, Chapman and Cutler LLP, respectfully moves this Court to grant Defendant, Apple Inc., an extension of time to file its answer or otherwise respond to the Complaint in the above-captioned proceeding, and to continue the March 7, 2008 Status Hearing. In support of this Motion, BlueAir states as follows:

1. BlueAir filed the above-captioned action against Apple Inc. on January 18, 2008.
2. Apple Inc. was served on January 23, 2008, and its response to the Complaint was originally due on or before February 12, 2008.
3. Apple Inc. requested an additional fourteen (14) days in which to answer or otherwise plead to the Complaint, to which counsel for BlueAir agreed, and sought and obtained leave from this Court on Apple Inc.'s behalf.
4. Apple Inc.'s response to the Complaint is currently due on or before February 26, 2008.
5. The parties have been diligently working toward a settlement of this matter, and believe that they are very close to reaching a final agreement.

6. For that reason, Apple Inc. has requested, and BlueAir has agreed to seek, a second extension of fourteen (14) days for Apple Inc. to respond to the Complaint.

7. If the instant Motion is granted, it will extend Apple Inc.'s response deadline to March 11, 2008, several days after the Status Hearing currently scheduled before this Court on March 7, 2008. In an effort to minimize both the Court's time and the expenses of the parties, the parties seek a continuance of the Status Hearing to a date after March 11, 2008, by which time the parties believe that a voluntary dismissal of the instant action will be in order.

WHEREFORE, BlueAir, Inc. respectfully requests that the Court enter an order granting Apple Inc. an extension of fourteen (14) days, up to and including March 11, 2008, to answer or otherwise respond to BlueAir's Complaint, and to continue the March 7, 2008 Status Hearing to a date after the proposed March 11, 2008 deadline.

Dated: February 21, 2008

Respectfully submitted,

BLUEAIR, INC.,

By                     /s/ Jil L. Martin                      
One of Its Attorneys

John R. Crossan  
Jil L. Martin  
CHAPMAN AND CUTLER LLP  
111 West Monroe Street  
Chicago, Illinois 60603  
(312) 845-3000

**CERTIFICATE OF SERVICE**

I, Jil L. Martin, an attorney, certify that I caused a true and correct copy of the foregoing **MOTION OF BLUEAIR INC. TO EXTEND TIME FOR DEFENDANT TO ANSWER OR OTHERWISE PLEAD AND TO CONTINUE STATUS HEARING** to be served upon outside counsel for Defendant, Apple Inc., as follows:

Margaret C. McHugh, Esq.  
Timothy R. Cahn, Esq.  
Townsend & Townsend & Crew  
2 Embarcadero Center  
8th Floor  
San Francisco, California 94111-3834

via electronic mail and by depositing same in the United States mail, postage prepaid, at 111 West Monroe Street, Chicago, Illinois 60603 on February 21, 2008 before the hour of 5:00 p.m.

By \_\_\_\_\_ /s/ Jil L. Martin \_\_\_\_\_